



FILED & JUDGMENT ENTERED
Steven T. Salata

August 28 2019

Clerk, U.S. Bankruptcy Court
Western District of North Carolina

J. Craig Whitley
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
Charlotte Division**

In re:

BK Racing, LLC,

Debtor.

Case Number: 18-30241

Chapter 11

ORDER AUTHORIZING COMPENSATION TO GRIER WRIGHT MARTINEZ, PA

THIS MATTER came on for hearing before the Court on August 20, 2019 (the “Hearing”) on the *First Interim Application for Compensation to Grier & Crisp, PA, Attorneys to the Trustee* (D.E. 258) filed in this case on April 2, 2019 (the “Application”). In the Application, Grier Wright Martinez, PA, f/k/a Grier Furr & Crisp, PA and Grier & Crisp, PA (“Applicant”), seeks compensation of \$159,912.00 and reimbursement of expenses of \$6,546.73, for services rendered to Matthew W. Smith, the Court-appointed Chapter 11 trustee (the “Trustee”) in this case for the period beginning March 28, 2018 and ending August 31, 2018. The only objection or other response to the Application was the *Objection to First Interim Application for Compensation to Grier & Crisp, PA, Attorneys to the Trustee* filed by Atlantic Union Bank (“AUB”) on May 24, 2019 (D.E. 302) (the “Objection”). The Court—having (i) reviewed the record in this case, (ii) reviewed the contents of the Application and the Objection, and (iii) considered the presentations and arguments of counsel at the Hearing—finds and concludes as follows:

1. A *Notice of Opportunity for Hearing* for the Application was served upon the parties as required by law. Other than the Objection, no party in interest has objected to, or requested a hearing on, the Application.

2. During the Hearing, Applicant and counsel for AUB advised the Court that the parties had resolved the Objection by including in the order approving the Application language adequately protecting and preserving AUB’s rights in the event of any proceeding or motion by the Trustee under 11 U.S.C. § 506(c).

3. Applicant has rendered valuable services to the Trustee during this chapter 11 proceeding for the period March 28, 2018 through August 31, 2018 for which it has received no compensation and the reasonable value of services as yet uncompensated is at least \$159,912.00. In addition, Applicant is entitled to reimbursement for expenses in the amount of \$6,546.73.

IT IS, THEREFORE, ORDERED that: (a) the Objection is overruled, subject to the provisions of this Order below; (b) Applicant is hereby awarded the sum of **\$159,912.00** in fees and **\$6,546.73** in expenses; and (c) this Order is without prejudice to AUB's rights, arguments, and defenses in any proceeding or motion by the Trustee to recover under 11 U.S.C. § 506(c) any of the fees and expenses awarded herein.

This Order has been signed
electronically. The judge's
signature and court's seal
appear at the top of the Order.

United States Bankruptcy Court